



SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN & COUNTRY PLANNING ACT 1990

(SECTION 78 PLANNING APPEAL)

	Planning Inspectorate Reference:	South Downs National Park Reference:
Appeal	APP/Y9507/W/21/3289423	Planning application ref: SDNP/20/04118/FUL Appeal ref: SDNP/21/00069/REF

PROOF OF EVIDENCE

(PLANNING)

RICHARD FERGUSON BSc (Hons), MA, MRTPI

DEVELOPMENT MANAGEMENT LEAD

Contents

	Page
1.0 Introduction	4
2.0 Site Description	7
3.0 Planning History	7
4.0 The Appeal Proposals	7
5.0 The Development Plan	8
6.0 Material Planning Considerations	9
7.0 Planning Assessment	15
8.0 Summary and Conclusions	30

Appendices

- 1. Extract from 2019 pre-application submission at The Gilbert White Museum.**
- 2. Webpage extract of The Jubilee Tap (to confirm opening hours).**

I. Introduction

Qualifications and Experience

- I.1 My name is Richard Ferguson. I have a Bachelor of Science degree (with Honours) in Geography from the University of Plymouth and a Master of Arts degree in Town Planning from the University of Westminster. I have been a Chartered Member of the Royal Town Planning Institute since 2008.
- I.2 I have been a Town Planner for 20 years and have worked in both public and private practice. I have been employed by the South Downs National Park Authority (SDNPA) since February 2012 and became a Development Management Lead in 2015.
- I.3 Previously, I worked for Chichester District Council between 2010-2012 as a Development Management Officer and prior to that I worked for WYG Planning (now Tetra Tech) (a national consultancy) between 2004-2010. I have spent the majority of my career in the UK but I have also had experience of Planning overseas whilst working for WYG Planning.
- I.4 I deal with a caseload of 'called-in' planning applications which are considered to be significant in terms of their potential impact on the purposes of designating the National Park. These can range in scale and type of use but typically include larger scale applications. My role covers four local authority areas within the National Park which are Winchester, East Hampshire, Chichester and Arun. I also manage a team of planning officers and assist in the management of the Development Management service.
- I.5 This Proof of Evidence gives my professional view of the appeal proposals and is based on my assessment and judgement of the proposed development. The evidence I have provided in this proof of evidence is true and it has been prepared and is given in accordance with the principles in the Royal Town Planning Institute's Code of Professional Conduct. I confirm that the opinions expressed are my true and professional opinions.

Structure and scope of my Evidence

- I.6 I provide evidence as the planning witness for the SDNPA in respect of its decision to refuse Planning Permission for the appeal proposals. I was not the author of the September 2021 report to the SDNPA Planning Committee (Core Document CD12), when Members did not accept the recommendation following detailed consideration and a site visit. I was also not the author of the SDNPA Appeal Statement (CD17).
- I.7 Below, I have structured the focus of my evidence in the order of the reasons for refusal (RfR) and the following areas.

Structure of Evidence

- I.8 My evidence is structured as follows:
- i. Sections 2 and 3 deal with the site description and planning history;
 - ii. Section 4 confirms the description of the appeal proposals in the Statement of Common Ground (SOCG);
 - iii. Section 5 describes the development plan policy position;
 - iv. Section 6 sets out what I consider to be relevant other material planning considerations;
 - v. Section 7 sets out my assessment of each RfR in turn, including compliance with the relevant Development Plan policies and material planning considerations;
 - vi. Section 8 sets out my summary and conclusions, including the overall harm versus the benefits.

Scope of Evidence

- I.9 I am cognisant of the quashed appeal decision and that it is a material consideration. I am, however, considering the appeal proposals afresh, but refer to this appeal decision when necessary.

- I.10 I consider compliance of the appeal proposals against each of the relevant development plan policies in turn, in the order of the RfR. I find that there are multiple breaches of the policies and that the proposals do not comply with the Development Plan as a whole.
- I.11 I also consider compliance with the NPPF and other material planning considerations and factors to affecting weight to be given to them. I also balance the public interest for and against the proposals given the National Park context and in the context of identified harm within a conservation area (a designated heritage asset).
- I.12 I consider that these other material considerations serve to strengthen my view in regard to the RfR and that the proposals are unacceptable.
- I.13 Reason for Refusal 1
- I.14 I consider the following:
- Principle of development (policy SD25)
 - Lack of marketing evidence (policy SD43(2)(a))
 - Loss of community facilities and provision of alternatives that are not accessible, inclusive and available and of an equal or better quality than those lost, without causing unreasonable reduction or shortfall in local provision (SD43(2)(c)).

Reason for Refusal 2

- I.15 I consider the following:
- Overdevelopment of the site by virtue of the siting , scale and design of the proposals.
 - Impact on the character and appearance of the area, including the conservation area and level of harm.
 - Material considerations – namely Statutory Purpose 1 of a National Park, The National Planning Policy Framework (2023) and the Local Plan as a whole.

Other Evidence Provided on behalf of the SDNPA

1.16 Written evidence on behalf of the SDNPA is also submitted by:

- Ms Ruth Childs Bsc (Hons), MSc, CMLI in relation to landscape and design matters. Ms Childs is the SDNPA Landscape Officer.
- Ms Lucie Tushingham BA (Hons), MSc, MRTPI, IHBC in relation to design and impact considerations within a heritage context. Ms Tushingham is the SDNPA Conservation Officer.

1.17 I consider and draw upon their analysis in making my overall planning assessment.

2. Site Description

2.1 A description of the appeal site and surroundings is set out in the Statement of Common Ground (SOCG).

3. Planning History

3.1 The planning history of the site is set out in the SOCG.

4. The Appeal Proposals

4.1 A brief description of the appeal proposals is set out in the SOCG. To summarise, the proposals involve:

- Conversion and the extension of the ground floor to accommodate (1) a new tap room (The Jubilee Tap) (retrospective) serving beer produced by the Gilbert White Museum (GWM)'s brewhouse; and (2) a new space to be used as a Field Studies Centre (FSC) by the GWM. This would involve the existing FSC within the museum grounds relocating to the appeal site.
- The FSC space is proposed to be used as a flexible community space available to hire around its FSC use.
- On the upper floors of The Queens, a reconfiguration and modernisation of the existing 5 letting rooms and managers flat to create 3 self catering apart suites.

- Erection of a separate detached building in the grounds to create two self-catered apart suites. In total, the number of rooms would not change but overall capacity would increase from 6 bed spaces to 11.
- The conversion and extension of the existing barn into a new dwelling.

5. The Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) adopted in July 2019. For the avoidance of doubt, there is no Neighbourhood Development Plan for Selborne.
- 5.3 Relevant SDLP policies are outlined in the SOCG and the SDNPA’s Appeal Statement. The relevant policies to my proof of evidence (and other SDNPA witnesses submitted on behalf of the SDNPA) are cited in table one below. These are referred to, where necessary, in Section 7 below.

Topic	Relevant Development Plan policies
Principle of development	SD25* (Development Strategy), SD43 (New and Existing Community Facilities).
Conserve and enhance landscape, and design	SD1* (Sustainable Development), SD4 (Landscape Character), SD5 (Design), SD11* (Trees, Woodland and Hedgerows), SD23* (Sustainable Tourism).
Cultural heritage	SD12* (Historic Environment), SD15 (Conservation Areas)

*Table One: Most relevant Development Plan policies. *Not cited in the reasons for refusal but, without expanding beyond the reasons for refusal or raising new issues, these policies are material considerations ‘in the round’ when considering the Local Plan as a whole.*

- 5.4 The SDLP was adopted over 5 years ago. The relevant individual policies in the SDLP are still up to date and consistent with the NPPF (2023). The SDLP contains a comprehensive framework of policies for determining all forms of development

within the National Park. These SDLP policies should, therefore, be given full weight in decision making.

5.5 Both individually, and cumulatively, there is conflict with key relevant policies (SD43, SD4, SD5, SD15) for assessing the development regarding the environmental impacts of the development and the loss and re-provision of community facilities. As material considerations, other policies cited in section 7 are material in considering the SDLP as a whole.

5.6 The SDNPA's December 2023 Annual Monitoring Report can demonstrate a 6.58 year housing land supply with no shortfall. Furthermore, the Government's Housing Delivery Test does not apply in National Parks. The proposals would only make a very modest contribution to housing supply given 1 dwelling is proposed. No further commentary on this matter is provided in my assessment.

The South Downs Local Plan Review (SDLPR)

5.7 The SDLPR is underway. It is anticipated that a Regulation 18 draft Local Plan will be published in January/February 2025, within which revisions to adopted policies will be outlined. Given this early stage and lack of any published draft policies, the SDLPR should be given no weight.

6. Material Planning Considerations

National Park Statutory Purposes

6.1 These are the fundamental statutory starting point for the consideration of all planning applications in the National Park. All policy and decision making is required to take into account these purposes, which are also enshrined within SDLP policy.

6.2 The two statutory purposes of National Park designation, in the National Parks and Access to the Countryside Act 1949, are:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
2. To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

- 6.3 The ‘Sandford Principle’ of prioritising Purpose 1 is enshrined in Section 62 of the Environment Act 1995, which states “*if it appears that there is conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.*” Therefore, decisions should give precedence to Purpose 1.
- 6.4 For the reasons that I explain in my evidence, I consider that the proposals are contrary to Purpose 1 due to the design of the proposals and consequent impacts on landscape character and the conservation area.
- 6.5 As to Purpose 2, the development would provide accommodation for people visiting the National Park and to that extent it would create opportunities for them to understand and enjoy its special qualities in exploring the area. In these respects, the proposals would accord with it. However, I do not consider that there is anything about the development itself (its scale and design) which on site allows those visitors to enjoy a sense of place and experience the character of Selborne (the erosion of character is outlined in Ms Childs’ evidence). That said, overall and on balance, I do not consider that the proposals directly conflict with Purpose 2.
- 6.6 There is also a Statutory Duty, in the 1949 Act, “*to seek to foster the social and economic well-being of communities living within the National Park.*” In exercising the Duty, it must be undertaken through pursuing National Park Purposes.
- 6.7 Regarding this Statutory Duty, there would be some social benefits in providing more tourist accommodation for instance and the proposals could bring economic benefits in terms of increased visitor spend and some (limited) employment to support the rural economy. However, in exercising the duty it must be undertaken through pursuing National Park Purposes and, in particular, not at the expense of Purpose 1.
- 6.8 It is relevant to note that the Purposes and Duty are not exclusive to the planning system and assessing development. They also underpin other functions and activities of National Parks, such as promoting them as places to live, work and visit.

Environment Act 1995 and National Parks and Countryside Access Act 1949 (both as amended)

- 6.9 Section 62 of this Act requires all relevant authorities, including statutory undertakers and other public bodies (including The Planning Inspectorate), ‘to have regard to’ National Park purposes.
- 6.10 More recently, section 11 of the National Parks and Countryside Access Act 1949 has been updated through the Levelling Up and Regeneration Act (LURA) (2023).
- 6.11 Section 245 of the LURA 2023 strengthens this duty upon all relevant bodies which “*must seek to further the specified purposes of National Parks.*” This supersedes the existing duty to “*have regard to*” National Park Purposes and it sets a ‘higher bar’ for the consideration of the purposes in decision making.
- 6.12 Relevant authorities (including The Planning Inspectorate) must take this strengthened duty into account when reaching decisions or carrying out their activities relating to or affecting land within national parks.
- 6.13 This legislation has been enacted since the quashed Appeal Decision and it is, therefore, a material change in regard to the consideration of the proposals in relation to National Park Purposes.

English National Parks and the Broads: UK Government Vision and Circular 2010

- 6.14 Government policy relating to National Parks is set out in this Circular. Its principal objective or ‘golden thread’ is delivering National Park Purposes throughout its stated environmental, social and economic aims and the work of National Park Authorities, including as planning authorities, whose primary responsibility is to deliver upon the statutory purposes. It also confers National Park designation as the highest status of protection regarding landscape and natural beauty and their statutory purposes.
- 6.15 It outlines that any social and economic gains need to be appropriate to their setting and that landscape is fundamental to the quality of a place. I accept that its aims need to be balanced within the Circular as a whole. Achievement of them should not, however, be at the expense of compliance with national park purposes. If, as I

consider is the case, the proposals do not accord with Purpose 1, they therefore conflict with the Circular's core environmental objective.

- 6.16 I consider that the proposals overall do not substantially accord with the social and environmental aims of the Circular in regard to (1) social aims and the loss and re-provision of community facilities (RfR1); and (2) the unsatisfactory scale and design of the proposals and the consequent harm to cultural heritage – namely the impact on the need to preserve and enhance the character and appearance of the conservation area (RfR2). It is also considered that this would be moderate less than substantial harm.

Special Qualities of the South Downs National Park

- 6.17 Capturing the essence of what makes the National Park important, every National Park has developed a list of attributes that make it special. (i.e 'if you visit this National Park, you can expect to find...') Documenting National Parks' special qualities is required by the Circular.
- 6.18 The seven special qualities of the South Downs National Park are set out in Figure one below. These do not sit in isolation, rather they are interconnected and mutually reinforcing. Landscape is the key to all of the other special qualities and is therefore shown at the centre of the diagram.
- 6.19 These special qualities are broad considerations that apply across the entire National Park and vary in influence depending upon each landscape character area. They are overarching qualities which are not designed to apply to or necessarily be reflected in individual application sites. This hierarchy of scale results in the Special Qualities sitting above those qualities that might be identified as a characteristic for a specific site and its context. In this instance, the following Special Qualities are relevant:
- Well conserved historical features and a rich cultural heritage;
 - Distinctive towns and villages.
- 6.20 Given the contended loss of character by SDNPA expert witnesses the above Special Qualities are relevant in respect of RfR2. Special qualities can be considered as material considerations, but the main focus, in my view, is on national park purposes

and development plan policies which should be given the greater weight in decision making.

6.21 Extract from the Local Plan identifying the Special Qualities:

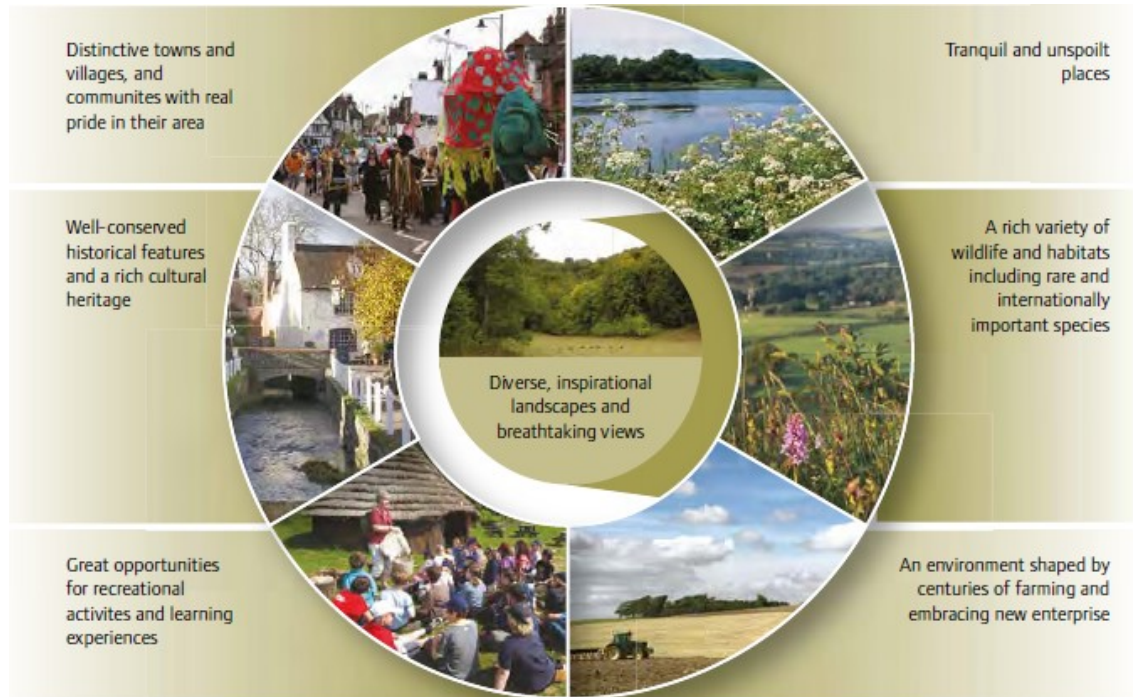


Figure 1 – The Special Qualities of the South Downs National Park

The National Planning Policy Framework (NPPF) 2023

6.22 The NPPF should be read as a whole and there are broad range of priorities to be weighed within the overall planning balance. NPPF12 reiterates the statutory status of the Development Plan as the starting point for decision-making:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. (My emphasis) Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.23 The ‘tilted balance’ in NPPF11(d) is not engaged in this case as the relevant adopted SDLP policies are not out of date. Therefore, the appeal should be determined with

reference to the ordinary planning balance (i.e is the development in accordance with the Development Plan, unless material considerations indicate a decision otherwise than in accordance with it).

The NPPF and the status of national parks

- 6.24 NPPF182 sets out that National Parks have the highest status of protection in relation to conserving landscape and scenic beauty. It states that 'great weight' should be given to conserving and wildlife and cultural heritage.
- 6.25 For completeness, I do not consider that the appeal proposals represent major development for the purposes of NPPF183. This is my opinion based upon the nature, scale and relatively localised effects of the development.
- 6.26 Under the NPPF, it is relevant to take into account the benefits of the proposals and public interest (namely regarding heritage) and I do so in my planning balance in section 7.

Emerging draft NPPF

- 6.27 The protections for national parks in the draft NPPF remain unchanged, as does the legislative basis for the purposes and duty. The draft also proposes to remove reference to 'beauty' inserted into the NPPF last December. Otherwise, the broad range of other changes covering the housing, economy, environment sectors and Local Plan formulation are less directly relevant in the consideration of this appeal. I consider that the draft NPPF should be given limited weight in this instance.

Witten Ministerial Statement (WMS) July 2024

- 6.28 Given that the Statement focusses on broader strategic planning with aims of delivering housing, economy, transport and Local Plan formulation, it is not considered to directly relate to the appeal proposals, particularly given the scale of the proposals. I consider that the WMS should be afforded limited weight in this instance.

The South Downs National Park Partnership Management Plan (PMP) 2020-2025

- 6.29 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Practice Guidance (Paragraph 040, Reference ID: 8-040-20190721) confirms that PMPs may contain information which is a material consideration when assessing planning applications. I consider that the South Downs PMP is relevant.
- 6.30 The latest PMP (adopted in December 2019 and covering 2020-2025) (core document CD4) consists of a vision of what the SDNPA would like to achieve by 2050. It focusses on 10 overarching outcomes and 21 priorities (within those outcomes) for the next five years. The outcomes and priorities work together and have equal importance and these are supported by 57 policies in its Appendix I.
- 6.31 The PMP can be afforded some weight in decision making. A key outcome for present purposes are:
- Outcome 1 – Landscape and natural beauty
 - Outcome 4 – Arts and Heritage
 - Outcome 9: Great Places to Live

Supplementary Planning Documents (SPDs)

- 6.32 The SDNPA has adopted various SPDs, as identified in the SOCG. The most pertinent are the Design Guide SPD (2022) and the Selborne Village Design Statement (VDS) (2024). The VDS was adopted by the SDNPA in 2024 as a SPD and is a material consideration.
- 6.33 The Design Guide SPD is particularly pertinent in light of the landscape led approach it advocates, in support of SDLP policies SD4 and SD5, and the evidence presented by SDNPA witnesses.

The quashed Appeal Decision and High Court ruling

- 6.34 These are relevant material considerations. I acknowledge that the High Court quashed the decision based on a factual error rather than any procedural or

misinterpretation of policy. It is, therefore, a matter of judgement as to the weight to be given to the previous decision. I consider that it carries some weight, however, I would stress that in light of the quashed decision the appeal is being considered afresh.

7. Planning Assessment

7.1 This section demonstrates why the appeal scheme does not substantially accord with the SDLP (when read as a whole) and that there are no material planning considerations of such weight or significance that would outweigh this conflict. I also consider that the proposals are contrary to the NPPF as a whole and Purpose 1.

7.2 I initially summarise the harm before outlining the relevant policy considerations relating to each RfR.

Summary of harm

RfR 1

7.3 Fundamentally, the proposals would result in the unjustified loss of a community facility (a public house). It has not been demonstrated that the proposed alternative facilities would be accessible, inclusive and available, nor would they be of an equivalent or better quality in comparison with the public house.

RfR 2

7.4 As detailed by other SDNPA witnesses, by virtue of the scale and design of the proposals, they would result in a cramped overdevelopment and unsympathetic form of development, which would not successfully integrate with the surrounding landscape character and character and appearance of the conservation area.

7.5 Turning to my assessment, I deal with each RfR in turn.

RfR1 – Loss and alternative community facilities

7.6 I deal with each of the following matters:

- 1) Principle of development
- 2) Policy SD43(a) - Marketing

3) Policy SD43(c) – Loss and alternative community facilities

1) Principle of development

7.7 Table two below initially summarises the current circumstances of the appeal site.

Location	Uses	Status
<p>Within the Selborne Settlement Policy Boundary (SPB).</p> <p>Within the Selborne Conservation Area.</p>	<p>Historic/extant use - A public house with associated accommodation upstairs.</p> <p>Currently operating as a tap room, serving beer from the Gilbert White Museum brewhouse nearby.</p>	<p>The Queens Hotel is a non-designated heritage asset.</p> <p>It is not a designated Asset of Community Value.</p> <p>Public houses are recognised as community infrastructure in the SDLP (para 7.227).</p> <p>The detached barn is not a non-designated heritage asset.</p>

Table two: Site context

7.8 Regarding the location, the appeal site is located centrally within Selborne and within its settlement policy boundary, as defined in the SDLP. Strategic policy SD25 sets out that within defined settlements the principle of development will be supported provided its aspects of criterion (1) are met. These relate to development being of a scale and nature appropriate to the settlement and landscape context; makes best use of previously developed land; and makes efficient and appropriate use of land.

7.9 Turning to the proposed uses, I acknowledge that the site already has an extant use as a public house with accommodation above. From this position, the Tap Room

would be generally consistent with its public house use and the proposed accommodation would also be a reconfiguration and expansion of the existing.

- 7.10 The proposed uses could generally be acceptable by virtue of being within a defined settlement policy boundary, subject to according with other relevant SDLP policies. In this instance, public houses are recognised as community infrastructure in the SDLP (paragraph 7.227) for the purposes of SD43, which affects the principle of development. The main issues concerning SD43 are addressed below.

Policy SD43 considerations

- 7.11 RfRI has two constituent parts, namely (1) the loss of the public house and proposed alternative community facilities; and (2) a lack of marketing of the public house for the existing use or an alternative community use. The RfR explicitly cites SD43(2) as the part of the policy which is not accorded with.
- 7.12 Regarding SD43(2), the quashed appeal decision (paragraph 8, CD20) considered that its 3 criteria (a-c) are options whereby only one needs to be accorded with for proposals to be acceptable. I concur with the previous Inspector's view, as a material consideration, and this interpretation of SD43(2) is recognised in the SDNPA's Appeal Statement (paragraph 6.3, CD17).

2) SD43(2)(a) - Marketing

- 7.13 SD43(2)(a) requires a robust marketing period of at least 24 months to demonstrate whether there is no market demand for the existing use. A preceding dismissed appeal decision in 2019 relating to a 5 dwelling scheme (CD23) determined that the marketing evidence at that time was not sufficiently robust to accord with SD43(2)(a).
- 7.14 None of this previous evidence, or information of any subsequent marketing campaign, was provided with the latest application (current appeal proposals). The SDNPA raised this as an issue in its the determination of the application (Decision Notice (CD11), and Appeal Statement (paragraph 6.2, CD17).
- 7.15 Whilst I consider that SD43(2)(a) has not been addressed because no submitted marketing evidence, I consider that SD43(2) provides scope for proposals to still be

justified through either of its other criteria (2)(b) and (c), given my views in paragraph 7.12 above. Indeed, paragraph 9 of the quashed appeal decision (CD20) regarding marketing considers that “...under the provisions of Policy SD43, this is not the only relevant consideration.”

- 7.16 Criterion (2)(b) is not relevant insofar as the site is not a community or publicly owned facility. The SDNPA’s principal concerns, therefore, relate to conflict with (2)(c), which are addressed below.

3) Policy SD43(c) – loss and alternative community facilities

- 7.17 SD43(2)(c) outlines:

“Alternative community facilities are provided that are accessible, inclusive and available, and of an equivalent or better quality to those lost, without causing unreasonable reduction or shortfall in the local service provision.”

- 7.18 The constituent parts of criterion (c) are addressed below. I agree with the previous Inspector that SD43 does not define the attributes for meeting this criterion and, therefore, it is a matter of judgement (paragraph 10, CD20).

Alternative community facilities that are accessible, inclusive and available

- 7.19 Firstly, the Field Study Centre (FSC) and Tap Room would fall within the general categories of community infrastructure facilities outlined in SDLP paragraph 7.227 which supports SD43. Namely, education (the FSC’s principal use) and public houses. In this respect, they fit criterion (c) as alternative facilities.

- 7.20 The Appellant contends the FSC could be used as a ‘community hub’ to be used as hire space for community uses (eg. exercise classes, social gatherings, school holiday activities) which could generally be seen as being a cultural community facility under supporting paragraph 7.227. This is consistent with paragraph 12 of the previous Appeal Decision. That said, concerns are raised as to how accessible, inclusive and available overall the use of this space for the community may be.

- 7.21 I agree with the previous Inspector’s views at paragraph 13 (CD20) that the proposals would still engage with and contribute to activity along the High Street; would still be physically accessible; and that car and cycling spaces would be

provided. However, the main concerns relate to how the proposed uses are likely to be provided and operate as a community facility in the context of SD43(2)(c).

- 7.22 The site would be operated privately and help to support the Gilbert White Museum (GWM), which is a commercially run charity and the proposals are intended support a diversified income for it. Indeed, the currently operating Jubilee Tap is an outlet for the GWM's brewing activities at the museum.
- 7.23 The proposals involve the GWM relocating the existing FSC from their Tithe Barn at the Museum into the new space. Currently, the Tithe Barn and museum grounds accommodate a range of primary and secondary school visits, which is very positive in education terms, but there are practical issues with sharing the building for weddings as well. Hence, the new FSC is an opportunity to separate the two uses.
- 7.24 In these respects, it is questionable and uncertain as to how useable the FSC space may be for the community, in between its educational use. In a 2019 pre-application submission to the SDNPA it is stated that the museum currently hosts a large number of school trips (number not defined) in the FSC throughout the year and that a new separate FSC "*will allow an increase in the number of education sessions able to be offered for school groups as well as allowing for educational events outside of school hours*" (**Appendix I**). (This pre-application enquiry sought advice for a new FSC building within the Museum's grounds).
- 7.25 Whilst this statement dates from 2019, the Planning Statement by Savills which accompanied the planning application (current appeal) (CD25) outlines that the FSC would help to deliver financial sustainability and would extend its capacity to deliver its aims and charitable objectives by expanding the museum's education programme (Paragraphs 5.9-5.10, CD25).
- 7.26 Given the above intentions and indeed the Business Plan (CD26) which supported the application, it is uncertain as to how accessible, inclusive and available the FSC space may be for the community to use, versus the need to maximise GWM's income. The original recommendation in the Planning Committee report (CD12) proposed to secure a community use within a S106, however, this has not been continued into the current appeal (not least as there is no RfR on this issue).

Nevertheless, I consider that securing its provision (subject to its terms of use) may have helped to make the proposals acceptable in planning terms regarding SD43(2).

- 7.27 Access to the FSC space as a community facility would also be within the jurisdiction of the owner and there are no certainties that the hiring of this space would be reasonably priced for community use. There is also the uncertainty that this use could cease at some point in the future (although I accept the application needs to be determined on its merits at this time). The Appellant outlines that the FSC would be 'demand led' but this is quite vague and would largely depend on hire costs which creates uncertainty about its accessibility, inclusivity and availability.
- 7.28 Turning to the Tap Room, it would be less accessible, inclusive and available in comparison to the former public house. The public house was open 7 days a week, whereas now the The Tap Room operates with much reduced hours in comparison. It is currently only open on Thursday 5:30-9:30, Friday 5:30-9:30 and on Saturdays 2pm – 9:30 (**Appendix 2**).
- 7.29 It is also outlined in representations that the public house formerly accommodated a range of organised social gatherings, with a function room. The Tap Room's reduced hours, its smaller area which limits its use for functions and limited food and drink offering result in a less inclusive and available facility. I am cognisant of another public house in Selborne, however, the previous appeal inspector in the 2019 appeal (CD23) differentiated it with the The Queens Hotel as having a different offering and I am unaware that circumstances having changed with the Selborne Arms to alter this view.
- 7.30 The delivery of the community shop is questionable. A small shop has been operating from the GWM. Whilst the Jubilee Tap was opened in 2023, that small shop has not transferred over from the GWM (I acknowledge that this may be because of uncertainty regarding the Appeal, notwithstanding, the Tap Room has been in operation during this time). Furthermore, the proposed ground floor plan does not provide any dedicated space for it, nor are the Tap Room's opening hours conducive for it being a particularly accessible facility. There is, therefore, uncertainty about the appeal site accommodating this use to contribute to creating a community hub, as contended by the Appellant.

7.31 Regarding the guest accommodation, this would be privately owned and let which is unchanged from the historic use of the building. The difference now, however, is that it is intended to be used in connection with GWM's wedding bookings where at times it would not be available for other individual bookings by other potential guests. Whilst this may be more seasonable, it nonetheless, reduces available provision of these rooms and, importantly, changes the nature of a former public house with inn accommodation to self-catered apart suites which would be used in connection with a different site – namely the Tithe Barn within the GWM grounds.

7.32 In all of the above respects, the proposals do not accord with the first element of SD43(2)(c). The proposals are likely to create a less accessible, inclusive and available space in comparison with the public house use. As a result, it would cause an unacceptable reduction or shortfall in local facilities.

Of an equivalent or better quality to the community use lost

7.33 Previously, the public house included a restaurant, the ability to hold functions, and had serviced accommodation above. It also benefitted from the rear garden.

7.34 In contrast, The Tap Room operates very reduced hours selling exclusively a range of beers brewed by the GWM 'nano' brewery, with some selected wines and spirits. It would have a very limited food offering, with food prepared by the GWM café and brought over the Tap Room. It also currently operates within a smaller floorspace and without the use of the rear garden, which is a loss of outside amenity area previously associated with its former use. The existing outdoor seating in the front tarmac car park area next to the main road cannot be considered as a comparable space regarding amenity and quality of environment.

7.35 Furthermore, Ms Childs' evidence (paragraph 6.24) also emphasises the poor quality outdoor amenity space and character of the site. Ms Tushingam also raises concern (paragraph 7.16 of their evidence) about the historic openness of the rear garden and its contribution and social/community status which would be lost. In these respects also, an equivalent or better facility would not be achieved.

7.36 For all of these above reasons, the smaller Tap Room could not provide an equivalent or better quality community facility compared to the former public house.

I would, therefore, respectfully disagree with the Inspector's conclusions (paragraph 16, CD20) that whilst the use would notably differ from the former public house it would still be of an equivalent or better quality.

- 7.37 The FSC is a relocation of the existing use from the Tithe Barn and, as it currently operates, would be primarily used by the GWM. The introduction of the community being able to hire this space, around the activities of the GWM, is a different offering compared with the former public house.
- 7.38 Its use for a variety of activities could be seen as a functionally separate offering to the drinking establishment of the Tap Room. In this context, I would concur with the previous Inspector's conclusion that this space has the potential to serve a wider and more diverse section of the local community (paragraph 16, C20).
- 7.39 However, the reduced hours of the Tap Room and limited food and drink available could potentially discourage the local community from using it of an afternoon and later into the evening (particularly at weekends). During times of the day there may also be booking pressures between the GWM and the local community competing to use this space. It is not, therefore, an equivalent or better quality use to the former public house use that would be lost.

Summary on SD43(2)

- 7.40 For the aforementioned reasons, I consider that the proposals, overall, do not represent an accessible, inclusive and available facilities, nor of an equivalent or better quality that would result in an unreasonable reduction or shortfall in local services.
- 7.41 Given the lack of marketing provided under SD43(2)(a) and the lack of accordance with SD43(2)(c), I consider that the proposals do not substantially accord with policy SD43.

RfR2 – landscape and design considerations

- 7.42 I defer to the Proofs of Evidence of the other two SDNPA witnesses on the landscape and cultural heritage impacts. I would, however, like to make the following points:

- 1) The overall scale and design of the scheme would create an intensive and cramped over development of the site, in a sensitive location. This is by virtue of the layout itself, as well as the scale of new buildings. The Appellant has sought to fill the space available on site through seeking to maximise the amount of development, at the expense of high quality contextual design.
- 2) The scale, layout and design of the scheme represents an uncharacteristic form of development in terms of settlement pattern, hierarchy of roads, historic spaces that contribute to the site's character and Selborne and vegetation – namely trees (the areas identified by Ms Childs and Ms Tushingham). In these respects it cannot be considered to be a 'landscape-led' design. This would be evident in views from Huckers Lane.
- 3) The building on Huckers Lane is not of a sufficiently ancillary scale and design regarding its relationship with The Queens Hotel to create an appropriate building hierarchy on site.
- 4) The extension to the barn is not sufficiently subordinate to its existing scale and character, which has a historic relationship with The Queens Hotel as an ancillary structure.
- 5) The loss of the historic openness and social status of the rear garden and its relationship with The Queens Hotel. As such, the contribution of The Queens Hotel as a non-designated heritage asset would be eroded and negatively affect the character and appearance of the Conservation Area.
- 6) The loss of trees and subsequent re-planting proposals do not sufficiently mitigate for the concerns about the overdevelopment of the site, nor does the planting scheme re-enforce local landscape character.
- 7) As a result of the above, the proposals would not be sensitive to the surroundings and would fail to preserve and enhance the character and appearance of the conservation area, as outlined in the evidence of Ms Tushingham which identifies moderate less than substantial harm, which I concur with.

7.43 The extent to which the impacts identified above and in other SDNPA witnesses' evidence could be moderated is very limited. By virtue of the layout and scale of the proposals, it would not be possible to mitigate the landscape impact through increased planting for instance. The fact that the site is within the defined urban area and surrounded on three sides by development does not absolve the scale and design from being sensitive to its surroundings.

The overall planning balance

Principle of development

7.44 I have addressed the principle of development in regard to SD25 at paragraphs 7.7-7.11 above, whereby the uses themselves could generally be acceptable within a defined SPB, subject to according with other SDLP policies.

7.45 I have also addressed the non-compliance with SD43 above concerning RfR1 and the loss and re-provision of community facilities as a principal consideration.

Design, conservation and landscape character policies - SD4, SD5, SD12, SD15

7.46 Regarding RfR2, for the reasons outlined by other SDNPA witnesses and my own overarching points in paragraph 7.42 above, the proposals do not accord with policies SD4, SD5, and SD15 cited in the Decision Notice.

7.47 My evidence above has primarily focussed on those policies cited in the reasons for refusal. Below, I outline other policies which could be relevant material considerations. The identification of these policies is not to expand the reasons for refusal or introduce new issues, rather these are material considerations in respect of the SDLP when read as a whole.

7.48 In addition, SD1 (sustainable development) is relevant because it re-iterates national park purposes and the Sandford Principle previously highlighted. Furthermore, it outlines that permission should be refused where proposals do not conserve the landscape, natural beauty, wildlife and cultural heritage unless, exceptionally:

a) The benefits outweigh the great weight to be attached to those interests; and

b) There is substantial compliance with other relevant policies in the development plan.

7.49 In light of the concerns regarding RfR2, the proposals would not conserve landscape character and cultural heritage. The benefits (summarised in section 8) would not outweigh this harm and overall there is not substantial compliance with other relevant policies identified. In these respects, SD1 is not met.

Ecosystems services SD2

7.50 Ecosystems services is another environmental aspect of the SDLP. It requires development to have an overall positive impact on the ability of the natural environment to contribute goods and services through high quality design. The proposals would accord with some of its criteria such as improving people's access to the natural resources which contribute to special qualities and people's health and well-being.

7.51 Overall, however, I consider that there is not substantial compliance with this policy due the scale, layout and design of the proposals which would not have an overall positive impact on the ability of the natural environment to contribute goods and services through high quality design.

Policy SD9 Ecology and biodiversity net gain

7.52 The appeal proposals are not subject to mandatory biodiversity net gain. Suitable provision could be achieved through conditions in order to accord with SD9.

Policy SD11 - trees

7.53 Whilst I accept that an assessment was made by the Arboricultural Officer regarding the loss of trees, their removal and the proposed landscape scheme for the appeal proposals would, nevertheless, conflict with SD11 because ultimately it would not be informed by and contribute to local character.

Policy SD12 – Historic Environment

7.54 This policy, overarchingly, requires proposals to conserve and enhance the heritage significance of heritage assets and their settings. Ms Tushingham identifies that this would not be the case.

Policy SD23 sustainable tourism

7.55 I agree there is a need for new tourism accommodation for a range of types and markets across the National Park. Regarding SD23, the proposals involve a re-configuration and expansion of accommodation (same number of lettable units but more bed spaces and self-catering).

7.56 This policy has various criteria, with SD23(1) requiring proposals must not adversely affect the character, historical significance, appearance or amenity of an area (criterion c) and the design of new buildings are sensitive to the character and setting (criterion d). The supporting text to policy SD23 (paras 6.49 to 6.52) outlines support for opportunities for tourism and recreation, to contribute to sustainable economic growth. However, that such opportunities should not conflict with Purpose 1 (given greater weight) and it encourages “properly scaled accommodation.”

7.57 The proposals are, however, well located which is a requirement of SD23 as well. Overall and on balance, I would consider that the proposals are contrary to SD23 if this policy were to be given any material weight.

Public interest

7.58 The identified harm raised by other SDNPA witnesses (including the moderate less than substantial harm regarding heritage assets) is not outweighed by any benefits of the proposals, such as providing the accommodation and associated economic benefits to the rural economy and recreational opportunities in the National Park. Greater weight should be to the public interest of conserving and enhancing the National Park and the weight to be attached to those interests.

NPPF 2023

7.59 The NPPF supports the benefits of the proposals that could accrue in terms of contributing to the rural economy and promoting health and wellbeing.

- 7.60 The quashed appeal decision (paragraph 8) considered paragraph NPPF84 (previous 2021 version, now paragraph 88 in 2023 NPPF) which supports prosperous rural communities through the retention and development of accessible local services and community facilities, including local shops, meeting places, cultural buildings and public houses.
- 7.61 The above should, however, be balanced with other environmental aspects of the NPPF which I consider have greater weight. The NPPF's commentary on supporting a prosperous rural economy outlines that decisions should enable sustainable growth of all types of business in rural areas with well-designed buildings and, specifically, that rural tourism and leisure/community development respect the character of the countryside. In these respects economic growth should comprise of high quality development which is not at the expense of its surrounding context.
- 7.62 The NPPF also promotes the effective use of land but also whilst taking into account the importance of securing well designed, attractive and healthy places. I consider that whilst the site area is maximised by the development, its scale and design is unacceptable for the harm outlined in the evidence of other SDNPA witnesses.
- 7.63 Furthermore, there is great emphasis on the quality of design in the NPPF. Its chapter 12 'Achieving well –designed places' has the overarching approach that good design is a key aspect of sustainable development. Of particular note, development needs to add to the overall quality of the area; be visually attractive as a result of good architecture and layout; be sympathetic to local landscape character; and establish a strong sense of place. The proposals do not accord with any of these aims.
- 7.64 For the environment, the NPPF is clear that planning decisions should contribute to and enhance the natural and local environment. This is then followed on by paragraph 182 which outlines the 'great weight' which needs to be given to conserving and enhancing the landscape and scenic beauty in National Parks, which have the highest status of protection. NPPF205 also gives great weight to the conservation of heritage assets. The proposals do not meet these policy ambitions.
- 7.65 I consider that the proposals do not constitute sustainable development as per NPPF8, which is a fundamental overarching objective of its policy. In terms of

economic objectives, I accept that the scheme could help to support the rural economy through increased visitor spend primarily. The proposals could deliver some social benefits in providing accommodation for people visiting the National Park and the site is well located to local services and access to the countryside and attractions (including the GWM). However, the environmental objective would not be met due virtue of the identified landscape and cultural heritage impacts.

7.66 In conclusion, I consider that the proposals do not accord with the NPPF when read as a whole and weighing its policy objectives.

Other matters

7.67 The appeal proposals were not refused on the following matters. Where relevant, draft planning conditions are proposed (without prejudice to the outcome of the Appeal) to address consultee advice during the course of the application:

- Residential amenity;
- Flood risk and drainage;
- Pollution;
- Ecosystems services, ecology and biodiversity net gain;
- Access and parking arrangements (i.e no. of spaces provided);
- Dark night skies and light pollution.

Community Infrastructure Levy

7.68 The SNPA's Community Infrastructure Levy (CIL) was approved on 31 January 2017 and came into effect across the National Park from 1 April 2017. Should the Inspector decide to grant planning permission, CIL would be chargeable based on the relevant adopted rate including any indexation.

The Conservation of habitats and Species Regulations 2017

7.69 The Site is within 5km of the Wealden Heaths Phase II Special Protection Area (SPA). This area is designated for breeding bird species. As the 'competent Authority' the SDNPA must determine whether the proposals would not adversely

affect the integrity of the SPA. In this instance, this relates to any increased recreational pressures upon the SPA from new housing.

7.70 Following a screening of the appeal proposals, they are not of scale and location which would give rise to a likely significant effect upon the integrity of the SPA. The SDNPA’s Habitats Regulations Assessment Technical Advice Note (2021) outlines that, on the basis of Natural England’s advice, additional single dwellings are not likely to require mitigation measures. On this basis no further assessment and any mitigation is required.

8. Summary and Conclusions

8.1 Other than the main issues outlined above, no further substantive matters are raised.

8.2 Table 2 below summarises the overarching harm and benefits I have identified through my assessment. It is my opinion that the harm caused by the proposals would demonstrably outweigh the benefits. In coming to this opinion, I recognise that a balanced view must be taken and I am cognisant that the proposals could deliver some benefits as below.

Harms	Benefits
Fails to conserve or enhance landscape character by virtue of amount, scale and design.	New educational and social space.
Would not preserve or enhance the character and appearance of the conservation area due to scale and design.	A new tourism offer in the National Park.
Would result in the loss of a community facility. Alternative community facilities would not be accessible, inclusive, available and be an equivalent or better quality.	Economic benefit during construction (albeit short term) and longer term operation of the proposed uses. Increased visitor spend.

Table 2: Summary of harm vs benefits.

8.3 Following my assessment, together with a review of the other proofs of evidence submitted on behalf of the SDNPA, I consider that the appeal proposals are contrary to development plan requirements, the NPPF and National Park Purposes.

8.4 I consider that:

- The proposals do not meet the fundamental purpose, or ‘golden thread,’ of the SDLP to conserve and enhance the natural beauty of the National Park. I consider the proposals are contrary to policy SD1 and the First Purpose of a National Park.
- The proposals do not adopt a landscape led approach in terms of scale and design, contrary to policies SD4 and SD5, resulting in landscape harm.
- The proposals would not preserve and enhance the character and appearance of the conservation area (SD12 and SD15).
- There is insufficient public interest to allow the proposals when balancing the impacts and interest of conserving and enhancing the National Park.

8.5 The cumulative effect of non-compliance with the development plan policies that I have identified means that the proposals fail to accord with the development plan as a whole. The ‘tilted balance’ in NPPF paragraph 11(d) is not engaged because the relevant SDLP policies are not out of date. Therefore, the application should be determined within the ordinary planning balance.

8.6 Furthermore, there are no material considerations of such weight or significance that would outweigh this conflict. Conversely, the NPPF, Circular, the Statutory Duty and supplementary planning documents (namely the Design Guide SPD) strengthen my views, particularly in light of the evidence presented by the SDNPA witnesses.

8.7 As the proposals fail to accord with the development plan when taken as a whole, the decision in accordance with the development plan would be to refuse permission.

8.8 Accordingly it is respectfully submitted that the Appeal be dismissed.

Appendices

I. Extract from 2019 pre-application submission at The Gilbert White Museum.

(See separate PDF)

2. Webpage extract of the Jubilee Tap (to confirm opening hours).

(See separate PDF)



SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN & COUNTRY PLANNING ACT 1990

(SECTION 78 PLANNING APPEAL)

	Planning Inspectorate Reference:	South Downs National Park Reference:
Appeal	APP/Y9507/W/21/3289423	Planning application ref: SDNP/20/04118/FUL Appeal ref: SDNP/21/00069/REF

PROOF OF EVIDENCE

(PLANNING)

RICHARD FERGUSON BSc (Hons), MA, MRTPI

DEVELOPMENT MANAGEMENT LEAD

Contents

	Page
1.0 Introduction	4
2.0 Site Description	7
3.0 Planning History	7
4.0 The Appeal Proposals	7
5.0 The Development Plan	8
6.0 Material Planning Considerations	9
7.0 Planning Assessment	15
8.0 Summary and Conclusions	30

Appendices

- 1. Extract from 2019 pre-application submission at The Gilbert White Museum.**
- 2. Webpage extract of The Jubilee Tap (to confirm opening hours).**

I. Introduction

Qualifications and Experience

- I.1 My name is Richard Ferguson. I have a Bachelor of Science degree (with Honours) in Geography from the University of Plymouth and a Master of Arts degree in Town Planning from the University of Westminster. I have been a Chartered Member of the Royal Town Planning Institute since 2008.
- I.2 I have been a Town Planner for 20 years and have worked in both public and private practice. I have been employed by the South Downs National Park Authority (SDNPA) since February 2012 and became a Development Management Lead in 2015.
- I.3 Previously, I worked for Chichester District Council between 2010-2012 as a Development Management Officer and prior to that I worked for WYG Planning (now Tetra Tech) (a national consultancy) between 2004-2010. I have spent the majority of my career in the UK but I have also had experience of Planning overseas whilst working for WYG Planning.
- I.4 I deal with a caseload of 'called-in' planning applications which are considered to be significant in terms of their potential impact on the purposes of designating the National Park. These can range in scale and type of use but typically include larger scale applications. My role covers four local authority areas within the National Park which are Winchester, East Hampshire, Chichester and Arun. I also manage a team of planning officers and assist in the management of the Development Management service.
- I.5 This Proof of Evidence gives my professional view of the appeal proposals and is based on my assessment and judgement of the proposed development. The evidence I have provided in this proof of evidence is true and it has been prepared and is given in accordance with the principles in the Royal Town Planning Institute's Code of Professional Conduct. I confirm that the opinions expressed are my true and professional opinions.

Structure and scope of my Evidence

- I.6 I provide evidence as the planning witness for the SDNPA in respect of its decision to refuse Planning Permission for the appeal proposals. I was not the author of the September 2021 report to the SDNPA Planning Committee (Core Document CD12), when Members did not accept the recommendation following detailed consideration and a site visit. I was also not the author of the SDNPA Appeal Statement (CD17).
- I.7 Below, I have structured the focus of my evidence in the order of the reasons for refusal (RfR) and the following areas.

Structure of Evidence

- I.8 My evidence is structured as follows:
- i. Sections 2 and 3 deal with the site description and planning history;
 - ii. Section 4 confirms the description of the appeal proposals in the Statement of Common Ground (SOCG);
 - iii. Section 5 describes the development plan policy position;
 - iv. Section 6 sets out what I consider to be relevant other material planning considerations;
 - v. Section 7 sets out my assessment of each RfR in turn, including compliance with the relevant Development Plan policies and material planning considerations;
 - vi. Section 8 sets out my summary and conclusions, including the overall harm versus the benefits.

Scope of Evidence

- I.9 I am cognisant of the quashed appeal decision and that it is a material consideration. I am, however, considering the appeal proposals afresh, but refer to this appeal decision when necessary.

- I.10 I consider compliance of the appeal proposals against each of the relevant development plan policies in turn, in the order of the RfR. I find that there are multiple breaches of the policies and that the proposals do not comply with the Development Plan as a whole.
- I.11 I also consider compliance with the NPPF and other material planning considerations and factors to affecting weight to be given to them. I also balance the public interest for and against the proposals given the National Park context and in the context of identified harm within a conservation area (a designated heritage asset).
- I.12 I consider that these other material considerations serve to strengthen my view in regard to the RfR and that the proposals are unacceptable.
- I.13 Reason for Refusal 1
- I.14 I consider the following:
- Principle of development (policy SD25)
 - Lack of marketing evidence (policy SD43(2)(a))
 - Loss of community facilities and provision of alternatives that are not accessible, inclusive and available and of an equal or better quality than those lost, without causing unreasonable reduction or shortfall in local provision (SD43(2)(c)).

Reason for Refusal 2

- I.15 I consider the following:
- Overdevelopment of the site by virtue of the siting , scale and design of the proposals.
 - Impact on the character and appearance of the area, including the conservation area and level of harm.
 - Material considerations – namely Statutory Purpose 1 of a National Park, The National Planning Policy Framework (2023) and the Local Plan as a whole.

Other Evidence Provided on behalf of the SDNPA

1.16 Written evidence on behalf of the SDNPA is also submitted by:

- Ms Ruth Childs Bsc (Hons), MSc, CMLI in relation to landscape and design matters. Ms Childs is the SDNPA Landscape Officer.
- Ms Lucie Tushingham BA (Hons), MSc, MRTPI, IHBC in relation to design and impact considerations within a heritage context. Ms Tushingham is the SDNPA Conservation Officer.

1.17 I consider and draw upon their analysis in making my overall planning assessment.

2. Site Description

2.1 A description of the appeal site and surroundings is set out in the Statement of Common Ground (SOCG).

3. Planning History

3.1 The planning history of the site is set out in the SOCG.

4. The Appeal Proposals

4.1 A brief description of the appeal proposals is set out in the SOCG. To summarise, the proposals involve:

- Conversion and the extension of the ground floor to accommodate (1) a new tap room (The Jubilee Tap) (retrospective) serving beer produced by the Gilbert White Museum (GWM)'s brewhouse; and (2) a new space to be used as a Field Studies Centre (FSC) by the GWM. This would involve the existing FSC within the museum grounds relocating to the appeal site.
- The FSC space is proposed to be used as a flexible community space available to hire around its FSC use.
- On the upper floors of The Queens, a reconfiguration and modernisation of the existing 5 letting rooms and managers flat to create 3 self catering apart suites.

- Erection of a separate detached building in the grounds to create two self-catered apart suites. In total, the number of rooms would not change but overall capacity would increase from 6 bed spaces to 11.
- The conversion and extension of the existing barn into a new dwelling.

5. The Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) adopted in July 2019. For the avoidance of doubt, there is no Neighbourhood Development Plan for Selborne.
- 5.3 Relevant SDLP policies are outlined in the SOCG and the SDNPA’s Appeal Statement. The relevant policies to my proof of evidence (and other SDNPA witnesses submitted on behalf of the SDNPA) are cited in table one below. These are referred to, where necessary, in Section 7 below.

Topic	Relevant Development Plan policies
Principle of development	SD25* (Development Strategy), SD43 (New and Existing Community Facilities).
Conserve and enhance landscape, and design	SD1* (Sustainable Development), SD4 (Landscape Character), SD5 (Design), SD11* (Trees, Woodland and Hedgerows), SD23* (Sustainable Tourism).
Cultural heritage	SD12* (Historic Environment), SD15 (Conservation Areas)

*Table One: Most relevant Development Plan policies. *Not cited in the reasons for refusal but, without expanding beyond the reasons for refusal or raising new issues, these policies are material considerations ‘in the round’ when considering the Local Plan as a whole.*

- 5.4 The SDLP was adopted over 5 years ago. The relevant individual policies in the SDLP are still up to date and consistent with the NPPF (2023). The SDLP contains a comprehensive framework of policies for determining all forms of development

within the National Park. These SDLP policies should, therefore, be given full weight in decision making.

5.5 Both individually, and cumulatively, there is conflict with key relevant policies (SD43, SD4, SD5, SD15) for assessing the development regarding the environmental impacts of the development and the loss and re-provision of community facilities. As material considerations, other policies cited in section 7 are material in considering the SDLP as a whole.

5.6 The SDNPA's December 2023 Annual Monitoring Report can demonstrate a 6.58 year housing land supply with no shortfall. Furthermore, the Government's Housing Delivery Test does not apply in National Parks. The proposals would only make a very modest contribution to housing supply given 1 dwelling is proposed. No further commentary on this matter is provided in my assessment.

The South Downs Local Plan Review (SDLPR)

5.7 The SDLPR is underway. It is anticipated that a Regulation 18 draft Local Plan will be published in January/February 2025, within which revisions to adopted policies will be outlined. Given this early stage and lack of any published draft policies, the SDLPR should be given no weight.

6. Material Planning Considerations

National Park Statutory Purposes

6.1 These are the fundamental statutory starting point for the consideration of all planning applications in the National Park. All policy and decision making is required to take into account these purposes, which are also enshrined within SDLP policy.

6.2 The two statutory purposes of National Park designation, in the National Parks and Access to the Countryside Act 1949, are:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
2. To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

- 6.3 The ‘Sandford Principle’ of prioritising Purpose 1 is enshrined in Section 62 of the Environment Act 1995, which states “*if it appears that there is conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.*” Therefore, decisions should give precedence to Purpose 1.
- 6.4 For the reasons that I explain in my evidence, I consider that the proposals are contrary to Purpose 1 due to the design of the proposals and consequent impacts on landscape character and the conservation area.
- 6.5 As to Purpose 2, the development would provide accommodation for people visiting the National Park and to that extent it would create opportunities for them to understand and enjoy its special qualities in exploring the area. In these respects, the proposals would accord with it. However, I do not consider that there is anything about the development itself (its scale and design) which on site allows those visitors to enjoy a sense of place and experience the character of Selborne (the erosion of character is outlined in Ms Childs’ evidence). That said, overall and on balance, I do not consider that the proposals directly conflict with Purpose 2.
- 6.6 There is also a Statutory Duty, in the 1949 Act, “*to seek to foster the social and economic well-being of communities living within the National Park.*” In exercising the Duty, it must be undertaken through pursuing National Park Purposes.
- 6.7 Regarding this Statutory Duty, there would be some social benefits in providing more tourist accommodation for instance and the proposals could bring economic benefits in terms of increased visitor spend and some (limited) employment to support the rural economy. However, in exercising the duty it must be undertaken through pursuing National Park Purposes and, in particular, not at the expense of Purpose 1.
- 6.8 It is relevant to note that the Purposes and Duty are not exclusive to the planning system and assessing development. They also underpin other functions and activities of National Parks, such as promoting them as places to live, work and visit.

Environment Act 1995 and National Parks and Countryside Access Act 1949 (both as amended)

- 6.9 Section 62 of this Act requires all relevant authorities, including statutory undertakers and other public bodies (including The Planning Inspectorate), ‘to have regard to’ National Park purposes.
- 6.10 More recently, section 11 of the National Parks and Countryside Access Act 1949 has been updated through the Levelling Up and Regeneration Act (LURA) (2023).
- 6.11 Section 245 of the LURA 2023 strengthens this duty upon all relevant bodies which “*must seek to further the specified purposes of National Parks.*” This supersedes the existing duty to “*have regard to*” National Park Purposes and it sets a ‘higher bar’ for the consideration of the purposes in decision making.
- 6.12 Relevant authorities (including The Planning Inspectorate) must take this strengthened duty into account when reaching decisions or carrying out their activities relating to or affecting land within national parks.
- 6.13 This legislation has been enacted since the quashed Appeal Decision and it is, therefore, a material change in regard to the consideration of the proposals in relation to National Park Purposes.

English National Parks and the Broads: UK Government Vision and Circular 2010

- 6.14 Government policy relating to National Parks is set out in this Circular. Its principal objective or ‘golden thread’ is delivering National Park Purposes throughout its stated environmental, social and economic aims and the work of National Park Authorities, including as planning authorities, whose primary responsibility is to deliver upon the statutory purposes. It also confers National Park designation as the highest status of protection regarding landscape and natural beauty and their statutory purposes.
- 6.15 It outlines that any social and economic gains need to be appropriate to their setting and that landscape is fundamental to the quality of a place. I accept that its aims need to be balanced within the Circular as a whole. Achievement of them should not, however, be at the expense of compliance with national park purposes. If, as I

consider is the case, the proposals do not accord with Purpose 1, they therefore conflict with the Circular's core environmental objective.

- 6.16 I consider that the proposals overall do not substantially accord with the social and environmental aims of the Circular in regard to (1) social aims and the loss and re-provision of community facilities (RfR1); and (2) the unsatisfactory scale and design of the proposals and the consequent harm to cultural heritage – namely the impact on the need to preserve and enhance the character and appearance of the conservation area (RfR2). It is also considered that this would be moderate less than substantial harm.

Special Qualities of the South Downs National Park

- 6.17 Capturing the essence of what makes the National Park important, every National Park has developed a list of attributes that make it special. (i.e 'if you visit this National Park, you can expect to find...') Documenting National Parks' special qualities is required by the Circular.
- 6.18 The seven special qualities of the South Downs National Park are set out in Figure one below. These do not sit in isolation, rather they are interconnected and mutually reinforcing. Landscape is the key to all of the other special qualities and is therefore shown at the centre of the diagram.
- 6.19 These special qualities are broad considerations that apply across the entire National Park and vary in influence depending upon each landscape character area. They are overarching qualities which are not designed to apply to or necessarily be reflected in individual application sites. This hierarchy of scale results in the Special Qualities sitting above those qualities that might be identified as a characteristic for a specific site and its context. In this instance, the following Special Qualities are relevant:
- Well conserved historical features and a rich cultural heritage;
 - Distinctive towns and villages.
- 6.20 Given the contended loss of character by SDNPA expert witnesses the above Special Qualities are relevant in respect of RfR2. Special qualities can be considered as material considerations, but the main focus, in my view, is on national park purposes

and development plan policies which should be given the greater weight in decision making.

6.21 Extract from the Local Plan identifying the Special Qualities:

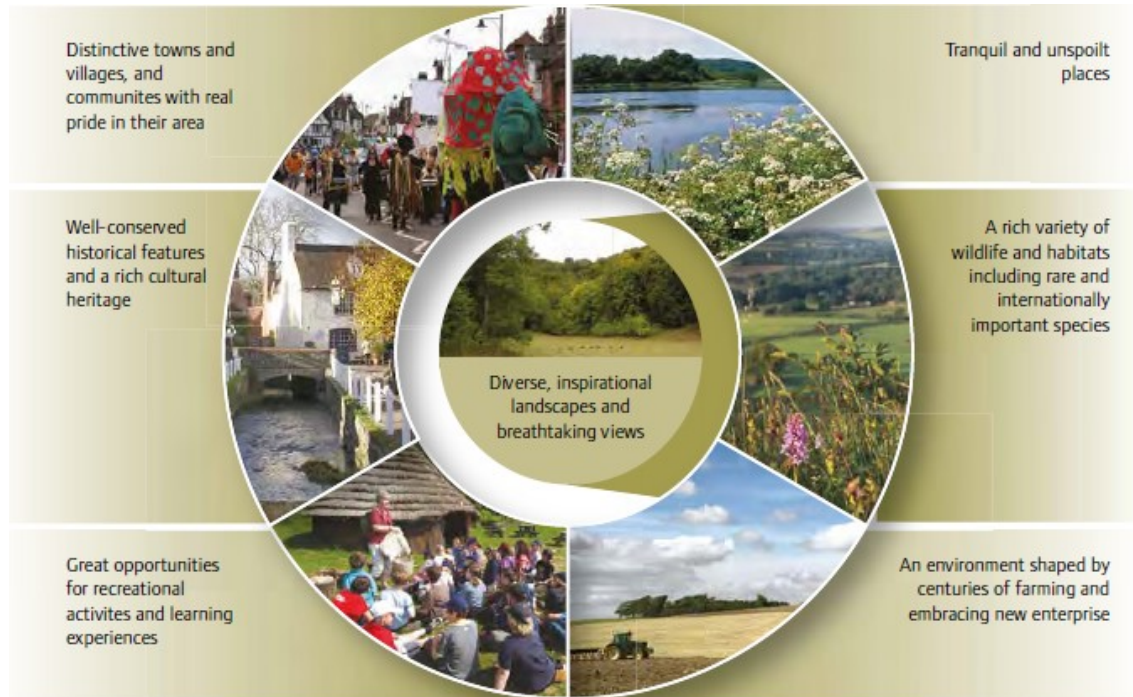


Figure 1 – The Special Qualities of the South Downs National Park

The National Planning Policy Framework (NPPF) 2023

6.22 The NPPF should be read as a whole and there are broad range of priorities to be weighed within the overall planning balance. NPPF12 reiterates the statutory status of the Development Plan as the starting point for decision-making:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. (My emphasis) Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.23 The ‘tilted balance’ in NPPF11(d) is not engaged in this case as the relevant adopted SDLP policies are not out of date. Therefore, the appeal should be determined with

reference to the ordinary planning balance (i.e is the development in accordance with the Development Plan, unless material considerations indicate a decision otherwise than in accordance with it).

The NPPF and the status of national parks

- 6.24 NPPF182 sets out that National Parks have the highest status of protection in relation to conserving landscape and scenic beauty. It states that 'great weight' should be given to conserving and wildlife and cultural heritage.
- 6.25 For completeness, I do not consider that the appeal proposals represent major development for the purposes of NPPF183. This is my opinion based upon the nature, scale and relatively localised effects of the development.
- 6.26 Under the NPPF, it is relevant to take into account the benefits of the proposals and public interest (namely regarding heritage) and I do so in my planning balance in section 7.

Emerging draft NPPF

- 6.27 The protections for national parks in the draft NPPF remain unchanged, as does the legislative basis for the purposes and duty. The draft also proposes to remove reference to 'beauty' inserted into the NPPF last December. Otherwise, the broad range of other changes covering the housing, economy, environment sectors and Local Plan formulation are less directly relevant in the consideration of this appeal. I consider that the draft NPPF should be given limited weight in this instance.

Witten Ministerial Statement (WMS) July 2024

- 6.28 Given that the Statement focusses on broader strategic planning with aims of delivering housing, economy, transport and Local Plan formulation, it is not considered to directly relate to the appeal proposals, particularly given the scale of the proposals. I consider that the WMS should be afforded limited weight in this instance.

The South Downs National Park Partnership Management Plan (PMP) 2020-2025

- 6.29 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Practice Guidance (Paragraph 040, Reference ID: 8-040-20190721) confirms that PMPs may contain information which is a material consideration when assessing planning applications. I consider that the South Downs PMP is relevant.
- 6.30 The latest PMP (adopted in December 2019 and covering 2020-2025) (core document CD4) consists of a vision of what the SDNPA would like to achieve by 2050. It focusses on 10 overarching outcomes and 21 priorities (within those outcomes) for the next five years. The outcomes and priorities work together and have equal importance and these are supported by 57 policies in its Appendix I.
- 6.31 The PMP can be afforded some weight in decision making. A key outcome for present purposes are:
- Outcome 1 – Landscape and natural beauty
 - Outcome 4 – Arts and Heritage
 - Outcome 9: Great Places to Live

Supplementary Planning Documents (SPDs)

- 6.32 The SDNPA has adopted various SPDs, as identified in the SOCG. The most pertinent are the Design Guide SPD (2022) and the Selborne Village Design Statement (VDS) (2024). The VDS was adopted by the SDNPA in 2024 as a SPD and is a material consideration.
- 6.33 The Design Guide SPD is particularly pertinent in light of the landscape led approach it advocates, in support of SDLP policies SD4 and SD5, and the evidence presented by SDNPA witnesses.

The quashed Appeal Decision and High Court ruling

- 6.34 These are relevant material considerations. I acknowledge that the High Court quashed the decision based on a factual error rather than any procedural or

misinterpretation of policy. It is, therefore, a matter of judgement as to the weight to be given to the previous decision. I consider that it carries some weight, however, I would stress that in light of the quashed decision the appeal is being considered afresh.

7. Planning Assessment

7.1 This section demonstrates why the appeal scheme does not substantially accord with the SDLP (when read as a whole) and that there are no material planning considerations of such weight or significance that would outweigh this conflict. I also consider that the proposals are contrary to the NPPF as a whole and Purpose 1.

7.2 I initially summarise the harm before outlining the relevant policy considerations relating to each RfR.

Summary of harm

RfR 1

7.3 Fundamentally, the proposals would result in the unjustified loss of a community facility (a public house). It has not been demonstrated that the proposed alternative facilities would be accessible, inclusive and available, nor would they be of an equivalent or better quality in comparison with the public house.

RfR 2

7.4 As detailed by other SDNPA witnesses, by virtue of the scale and design of the proposals, they would result in a cramped overdevelopment and unsympathetic form of development, which would not successfully integrate with the surrounding landscape character and character and appearance of the conservation area.

7.5 Turning to my assessment, I deal with each RfR in turn.

RfR1 – Loss and alternative community facilities

7.6 I deal with each of the following matters:

- 1) Principle of development
- 2) Policy SD43(a) - Marketing

3) Policy SD43(c) – Loss and alternative community facilities

1) Principle of development

7.7 Table two below initially summarises the current circumstances of the appeal site.

Location	Uses	Status
<p>Within the Selborne Settlement Policy Boundary (SPB).</p> <p>Within the Selborne Conservation Area.</p>	<p>Historic/extant use - A public house with associated accommodation upstairs.</p> <p>Currently operating as a tap room, serving beer from the Gilbert White Museum brewhouse nearby.</p>	<p>The Queens Hotel is a non-designated heritage asset.</p> <p>It is not a designated Asset of Community Value.</p> <p>Public houses are recognised as community infrastructure in the SDLP (para 7.227).</p> <p>The detached barn is not a non-designated heritage asset.</p>

Table two: Site context

7.8 Regarding the location, the appeal site is located centrally within Selborne and within its settlement policy boundary, as defined in the SDLP. Strategic policy SD25 sets out that within defined settlements the principle of development will be supported provided its aspects of criterion (1) are met. These relate to development being of a scale and nature appropriate to the settlement and landscape context; makes best use of previously developed land; and makes efficient and appropriate use of land.

7.9 Turning to the proposed uses, I acknowledge that the site already has an extant use as a public house with accommodation above. From this position, the Tap Room

would be generally consistent with its public house use and the proposed accommodation would also be a reconfiguration and expansion of the existing.

- 7.10 The proposed uses could generally be acceptable by virtue of being within a defined settlement policy boundary, subject to according with other relevant SDLP policies. In this instance, public houses are recognised as community infrastructure in the SDLP (paragraph 7.227) for the purposes of SD43, which affects the principle of development. The main issues concerning SD43 are addressed below.

Policy SD43 considerations

- 7.11 RfRI has two constituent parts, namely (1) the loss of the public house and proposed alternative community facilities; and (2) a lack of marketing of the public house for the existing use or an alternative community use. The RfR explicitly cites SD43(2) as the part of the policy which is not accorded with.
- 7.12 Regarding SD43(2), the quashed appeal decision (paragraph 8, CD20) considered that its 3 criteria (a-c) are options whereby only one needs to be accorded with for proposals to be acceptable. I concur with the previous Inspector's view, as a material consideration, and this interpretation of SD43(2) is recognised in the SDNPA's Appeal Statement (paragraph 6.3, CD17).

2) SD43(2)(a) - Marketing

- 7.13 SD43(2)(a) requires a robust marketing period of at least 24 months to demonstrate whether there is no market demand for the existing use. A preceding dismissed appeal decision in 2019 relating to a 5 dwelling scheme (CD23) determined that the marketing evidence at that time was not sufficiently robust to accord with SD43(2)(a).
- 7.14 None of this previous evidence, or information of any subsequent marketing campaign, was provided with the latest application (current appeal proposals). The SDNPA raised this as an issue in its the determination of the application (Decision Notice (CD11), and Appeal Statement (paragraph 6.2, CD17).
- 7.15 Whilst I consider that SD43(2)(a) has not been addressed because no submitted marketing evidence, I consider that SD43(2) provides scope for proposals to still be

justified through either of its other criteria (2)(b) and (c), given my views in paragraph 7.12 above. Indeed, paragraph 9 of the quashed appeal decision (CD20) regarding marketing considers that “...under the provisions of Policy SD43, this is not the only relevant consideration.”

- 7.16 Criterion (2)(b) is not relevant insofar as the site is not a community or publicly owned facility. The SDNPA’s principal concerns, therefore, relate to conflict with (2)(c), which are addressed below.

3) Policy SD43(c) – loss and alternative community facilities

- 7.17 SD43(2)(c) outlines:

“Alternative community facilities are provided that are accessible, inclusive and available, and of an equivalent or better quality to those lost, without causing unreasonable reduction or shortfall in the local service provision.”

- 7.18 The constituent parts of criterion (c) are addressed below. I agree with the previous Inspector that SD43 does not define the attributes for meeting this criterion and, therefore, it is a matter of judgement (paragraph 10, CD20).

Alternative community facilities that are accessible, inclusive and available

- 7.19 Firstly, the Field Study Centre (FSC) and Tap Room would fall within the general categories of community infrastructure facilities outlined in SDLP paragraph 7.227 which supports SD43. Namely, education (the FSC’s principal use) and public houses. In this respect, they fit criterion (c) as alternative facilities.

- 7.20 The Appellant contends the FSC could be used as a ‘community hub’ to be used as hire space for community uses (eg. exercise classes, social gatherings, school holiday activities) which could generally be seen as being a cultural community facility under supporting paragraph 7.227. This is consistent with paragraph 12 of the previous Appeal Decision. That said, concerns are raised as to how accessible, inclusive and available overall the use of this space for the community may be.

- 7.21 I agree with the previous Inspector’s views at paragraph 13 (CD20) that the proposals would still engage with and contribute to activity along the High Street; would still be physically accessible; and that car and cycling spaces would be

provided. However, the main concerns relate to how the proposed uses are likely to be provided and operate as a community facility in the context of SD43(2)(c).

- 7.22 The site would be operated privately and help to support the Gilbert White Museum (GWM), which is a commercially run charity and the proposals are intended support a diversified income for it. Indeed, the currently operating Jubilee Tap is an outlet for the GWM's brewing activities at the museum.
- 7.23 The proposals involve the GWM relocating the existing FSC from their Tithe Barn at the Museum into the new space. Currently, the Tithe Barn and museum grounds accommodate a range of primary and secondary school visits, which is very positive in education terms, but there are practical issues with sharing the building for weddings as well. Hence, the new FSC is an opportunity to separate the two uses.
- 7.24 In these respects, it is questionable and uncertain as to how useable the FSC space may be for the community, in between its educational use. In a 2019 pre-application submission to the SDNPA it is stated that the museum currently hosts a large number of school trips (number not defined) in the FSC throughout the year and that a new separate FSC "*will allow an increase in the number of education sessions able to be offered for school groups as well as allowing for educational events outside of school hours*" (**Appendix I**). (This pre-application enquiry sought advice for a new FSC building within the Museum's grounds).
- 7.25 Whilst this statement dates from 2019, the Planning Statement by Savills which accompanied the planning application (current appeal) (CD25) outlines that the FSC would help to deliver financial sustainability and would extend its capacity to deliver its aims and charitable objectives by expanding the museum's education programme (Paragraphs 5.9-5.10, CD25).
- 7.26 Given the above intentions and indeed the Business Plan (CD26) which supported the application, it is uncertain as to how accessible, inclusive and available the FSC space may be for the community to use, versus the need to maximise GWM's income. The original recommendation in the Planning Committee report (CD12) proposed to secure a community use within a S106, however, this has not been continued into the current appeal (not least as there is no RfR on this issue).

Nevertheless, I consider that securing its provision (subject to its terms of use) may have helped to make the proposals acceptable in planning terms regarding SD43(2).

- 7.27 Access to the FSC space as a community facility would also be within the jurisdiction of the owner and there are no certainties that the hiring of this space would be reasonably priced for community use. There is also the uncertainty that this use could cease at some point in the future (although I accept the application needs to be determined on its merits at this time). The Appellant outlines that the FSC would be 'demand led' but this is quite vague and would largely depend on hire costs which creates uncertainty about its accessibility, inclusivity and availability.
- 7.28 Turning to the Tap Room, it would be less accessible, inclusive and available in comparison to the former public house. The public house was open 7 days a week, whereas now the The Tap Room operates with much reduced hours in comparison. It is currently only open on Thursday 5:30-9:30, Friday 5:30-9:30 and on Saturdays 2pm – 9:30 (**Appendix 2**).
- 7.29 It is also outlined in representations that the public house formerly accommodated a range of organised social gatherings, with a function room. The Tap Room's reduced hours, its smaller area which limits its use for functions and limited food and drink offering result in a less inclusive and available facility. I am cognisant of another public house in Selborne, however, the previous appeal inspector in the 2019 appeal (CD23) differentiated it with the The Queens Hotel as having a different offering and I am unaware that circumstances having changed with the Selborne Arms to alter this view.
- 7.30 The delivery of the community shop is questionable. A small shop has been operating from the GWM. Whilst the Jubilee Tap was opened in 2023, that small shop has not transferred over from the GWM (I acknowledge that this may be because of uncertainty regarding the Appeal, notwithstanding, the Tap Room has been in operation during this time). Furthermore, the proposed ground floor plan does not provide any dedicated space for it, nor are the Tap Room's opening hours conducive for it being a particularly accessible facility. There is, therefore, uncertainty about the appeal site accommodating this use to contribute to creating a community hub, as contended by the Appellant.

7.31 Regarding the guest accommodation, this would be privately owned and let which is unchanged from the historic use of the building. The difference now, however, is that it is intended to be used in connection with GWM's wedding bookings where at times it would not be available for other individual bookings by other potential guests. Whilst this may be more seasonable, it nonetheless, reduces available provision of these rooms and, importantly, changes the nature of a former public house with inn accommodation to self-catered apart suites which would be used in connection with a different site – namely the Tithe Barn within the GWM grounds.

7.32 In all of the above respects, the proposals do not accord with the first element of SD43(2)(c). The proposals are likely to create a less accessible, inclusive and available space in comparison with the public house use. As a result, it would cause an unacceptable reduction or shortfall in local facilities.

Of an equivalent or better quality to the community use lost

7.33 Previously, the public house included a restaurant, the ability to hold functions, and had serviced accommodation above. It also benefitted from the rear garden.

7.34 In contrast, The Tap Room operates very reduced hours selling exclusively a range of beers brewed by the GWM 'nano' brewery, with some selected wines and spirits. It would have a very limited food offering, with food prepared by the GWM café and brought over the Tap Room. It also currently operates within a smaller floorspace and without the use of the rear garden, which is a loss of outside amenity area previously associated with its former use. The existing outdoor seating in the front tarmac car park area next to the main road cannot be considered as a comparable space regarding amenity and quality of environment.

7.35 Furthermore, Ms Childs' evidence (paragraph 6.24) also emphasises the poor quality outdoor amenity space and character of the site. Ms Tushingham also raises concern (paragraph 7.16 of their evidence) about the historic openness of the rear garden and its contribution and social/community status which would be lost. In these respects also, an equivalent or better facility would not be achieved.

7.36 For all of these above reasons, the smaller Tap Room could not provide an equivalent or better quality community facility compared to the former public house.

I would, therefore, respectfully disagree with the Inspector's conclusions (paragraph 16, CD20) that whilst the use would notably differ from the former public house it would still be of an equivalent or better quality.

- 7.37 The FSC is a relocation of the existing use from the Tithe Barn and, as it currently operates, would be primarily used by the GWM. The introduction of the community being able to hire this space, around the activities of the GWM, is a different offering compared with the former public house.
- 7.38 Its use for a variety of activities could be seen as a functionally separate offering to the drinking establishment of the Tap Room. In this context, I would concur with the previous Inspector's conclusion that this space has the potential to serve a wider and more diverse section of the local community (paragraph 16, C20).
- 7.39 However, the reduced hours of the Tap Room and limited food and drink available could potentially discourage the local community from using it of an afternoon and later into the evening (particularly at weekends). During times of the day there may also be booking pressures between the GWM and the local community competing to use this space. It is not, therefore, an equivalent or better quality use to the former public house use that would be lost.

Summary on SD43(2)

- 7.40 For the aforementioned reasons, I consider that the proposals, overall, do not represent an accessible, inclusive and available facilities, nor of an equivalent or better quality that would result in an unreasonable reduction or shortfall in local services.
- 7.41 Given the lack of marketing provided under SD43(2)(a) and the lack of accordance with SD43(2)(c), I consider that the proposals do not substantially accord with policy SD43.

RfR2 – landscape and design considerations

- 7.42 I defer to the Proofs of Evidence of the other two SDNPA witnesses on the landscape and cultural heritage impacts. I would, however, like to make the following points:

- 1) The overall scale and design of the scheme would create an intensive and cramped over development of the site, in a sensitive location. This is by virtue of the layout itself, as well as the scale of new buildings. The Appellant has sought to fill the space available on site through seeking to maximise the amount of development, at the expense of high quality contextual design.
- 2) The scale, layout and design of the scheme represents an uncharacteristic form of development in terms of settlement pattern, hierarchy of roads, historic spaces that contribute to the site's character and Selborne and vegetation – namely trees (the areas identified by Ms Childs and Ms Tushingham). In these respects it cannot be considered to be a 'landscape-led' design. This would be evident in views from Huckers Lane.
- 3) The building on Huckers Lane is not of a sufficiently ancillary scale and design regarding its relationship with The Queens Hotel to create an appropriate building hierarchy on site.
- 4) The extension to the barn is not sufficiently subordinate to its existing scale and character, which has a historic relationship with The Queens Hotel as an ancillary structure.
- 5) The loss of the historic openness and social status of the rear garden and its relationship with The Queens Hotel. As such, the contribution of The Queens Hotel as a non-designated heritage asset would be eroded and negatively affect the character and appearance of the Conservation Area.
- 6) The loss of trees and subsequent re-planting proposals do not sufficiently mitigate for the concerns about the overdevelopment of the site, nor does the planting scheme re-enforce local landscape character.
- 7) As a result of the above, the proposals would not be sensitive to the surroundings and would fail to preserve and enhance the character and appearance of the conservation area, as outlined in the evidence of Ms Tushingham which identifies moderate less than substantial harm, which I concur with.

7.43 The extent to which the impacts identified above and in other SDNPA witnesses' evidence could be moderated is very limited. By virtue of the layout and scale of the proposals, it would not be possible to mitigate the landscape impact through increased planting for instance. The fact that the site is within the defined urban area and surrounded on three sides by development does not absolve the scale and design from being sensitive to its surroundings.

The overall planning balance

Principle of development

7.44 I have addressed the principle of development in regard to SD25 at paragraphs 7.7-7.11 above, whereby the uses themselves could generally be acceptable within a defined SPB, subject to according with other SDLP policies.

7.45 I have also addressed the non-compliance with SD43 above concerning RfR1 and the loss and re-provision of community facilities as a principal consideration.

Design, conservation and landscape character policies - SD4, SD5, SD12, SD15

7.46 Regarding RfR2, for the reasons outlined by other SDNPA witnesses and my own overarching points in paragraph 7.42 above, the proposals do not accord with policies SD4, SD5, and SD15 cited in the Decision Notice.

7.47 My evidence above has primarily focussed on those policies cited in the reasons for refusal. Below, I outline other policies which could be relevant material considerations. The identification of these policies is not to expand the reasons for refusal or introduce new issues, rather these are material considerations in respect of the SDLP when read as a whole.

7.48 In addition, SD1 (sustainable development) is relevant because it re-iterates national park purposes and the Sandford Principle previously highlighted. Furthermore, it outlines that permission should be refused where proposals do not conserve the landscape, natural beauty, wildlife and cultural heritage unless, exceptionally:

a) The benefits outweigh the great weight to be attached to those interests; and

b) There is substantial compliance with other relevant policies in the development plan.

7.49 In light of the concerns regarding RfR2, the proposals would not conserve landscape character and cultural heritage. The benefits (summarised in section 8) would not outweigh this harm and overall there is not substantial compliance with other relevant policies identified. In these respects, SD1 is not met.

Ecosystems services SD2

7.50 Ecosystems services is another environmental aspect of the SDLP. It requires development to have an overall positive impact on the ability of the natural environment to contribute goods and services through high quality design. The proposals would accord with some of its criteria such as improving people's access to the natural resources which contribute to special qualities and people's health and well-being.

7.51 Overall, however, I consider that there is not substantial compliance with this policy due the scale, layout and design of the proposals which would not have an overall positive impact on the ability of the natural environment to contribute goods and services through high quality design.

Policy SD9 Ecology and biodiversity net gain

7.52 The appeal proposals are not subject to mandatory biodiversity net gain. Suitable provision could be achieved through conditions in order to accord with SD9.

Policy SD11 - trees

7.53 Whilst I accept that an assessment was made by the Arboricultural Officer regarding the loss of trees, their removal and the proposed landscape scheme for the appeal proposals would, nevertheless, conflict with SD11 because ultimately it would not be informed by and contribute to local character.

Policy SD12 – Historic Environment

7.54 This policy, overarchingly, requires proposals to conserve and enhance the heritage significance of heritage assets and their settings. Ms Tushingham identifies that this would not be the case.

Policy SD23 sustainable tourism

7.55 I agree there is a need for new tourism accommodation for a range of types and markets across the National Park. Regarding SD23, the proposals involve a re-configuration and expansion of accommodation (same number of lettable units but more bed spaces and self-catering).

7.56 This policy has various criteria, with SD23(1) requiring proposals must not adversely affect the character, historical significance, appearance or amenity of an area (criterion c) and the design of new buildings are sensitive to the character and setting (criterion d). The supporting text to policy SD23 (paras 6.49 to 6.52) outlines support for opportunities for tourism and recreation, to contribute to sustainable economic growth. However, that such opportunities should not conflict with Purpose 1 (given greater weight) and it encourages “properly scaled accommodation.”

7.57 The proposals are, however, well located which is a requirement of SD23 as well. Overall and on balance, I would consider that the proposals are contrary to SD23 if this policy were to be given any material weight.

Public interest

7.58 The identified harm raised by other SDNPA witnesses (including the moderate less than substantial harm regarding heritage assets) is not outweighed by any benefits of the proposals, such as providing the accommodation and associated economic benefits to the rural economy and recreational opportunities in the National Park. Greater weight should be to the public interest of conserving and enhancing the National Park and the weight to be attached to those interests.

NPPF 2023

7.59 The NPPF supports the benefits of the proposals that could accrue in terms of contributing to the rural economy and promoting health and wellbeing.

- 7.60 The quashed appeal decision (paragraph 8) considered paragraph NPPF84 (previous 2021 version, now paragraph 88 in 2023 NPPF) which supports prosperous rural communities through the retention and development of accessible local services and community facilities, including local shops, meeting places, cultural buildings and public houses.
- 7.61 The above should, however, be balanced with other environmental aspects of the NPPF which I consider have greater weight. The NPPF's commentary on supporting a prosperous rural economy outlines that decisions should enable sustainable growth of all types of business in rural areas with well-designed buildings and, specifically, that rural tourism and leisure/community development respect the character of the countryside. In these respects economic growth should comprise of high quality development which is not at the expense of its surrounding context.
- 7.62 The NPPF also promotes the effective use of land but also whilst taking into account the importance of securing well designed, attractive and healthy places. I consider that whilst the site area is maximised by the development, its scale and design is unacceptable for the harm outlined in the evidence of other SDNPA witnesses.
- 7.63 Furthermore, there is great emphasis on the quality of design in the NPPF. Its chapter 12 'Achieving well –designed places' has the overarching approach that good design is a key aspect of sustainable development. Of particular note, development needs to add to the overall quality of the area; be visually attractive as a result of good architecture and layout; be sympathetic to local landscape character; and establish a strong sense of place. The proposals do not accord with any of these aims.
- 7.64 For the environment, the NPPF is clear that planning decisions should contribute to and enhance the natural and local environment. This is then followed on by paragraph 182 which outlines the 'great weight' which needs to be given to conserving and enhancing the landscape and scenic beauty in National Parks, which have the highest status of protection. NPPF205 also gives great weight to the conservation of heritage assets. The proposals do not meet these policy ambitions.
- 7.65 I consider that the proposals do not constitute sustainable development as per NPPF8, which is a fundamental overarching objective of its policy. In terms of

economic objectives, I accept that the scheme could help to support the rural economy through increased visitor spend primarily. The proposals could deliver some social benefits in providing accommodation for people visiting the National Park and the site is well located to local services and access to the countryside and attractions (including the GWM). However, the environmental objective would not be met due virtue of the identified landscape and cultural heritage impacts.

7.66 In conclusion, I consider that the proposals do not accord with the NPPF when read as a whole and weighing its policy objectives.

Other matters

7.67 The appeal proposals were not refused on the following matters. Where relevant, draft planning conditions are proposed (without prejudice to the outcome of the Appeal) to address consultee advice during the course of the application:

- Residential amenity;
- Flood risk and drainage;
- Pollution;
- Ecosystems services, ecology and biodiversity net gain;
- Access and parking arrangements (i.e no. of spaces provided);
- Dark night skies and light pollution.

Community Infrastructure Levy

7.68 The SNPA's Community Infrastructure Levy (CIL) was approved on 31 January 2017 and came into effect across the National Park from 1 April 2017. Should the Inspector decide to grant planning permission, CIL would be chargeable based on the relevant adopted rate including any indexation.

The Conservation of habitats and Species Regulations 2017

7.69 The Site is within 5km of the Wealden Heaths Phase II Special Protection Area (SPA). This area is designated for breeding bird species. As the 'competent Authority' the SDNPA must determine whether the proposals would not adversely

affect the integrity of the SPA. In this instance, this relates to any increased recreational pressures upon the SPA from new housing.

7.70 Following a screening of the appeal proposals, they are not of scale and location which would give rise to a likely significant effect upon the integrity of the SPA. The SDNPA’s Habitats Regulations Assessment Technical Advice Note (2021) outlines that, on the basis of Natural England’s advice, additional single dwellings are not likely to require mitigation measures. On this basis no further assessment and any mitigation is required.

8. Summary and Conclusions

8.1 Other than the main issues outlined above, no further substantive matters are raised.

8.2 Table 2 below summarises the overarching harm and benefits I have identified through my assessment. It is my opinion that the harm caused by the proposals would demonstrably outweigh the benefits. In coming to this opinion, I recognise that a balanced view must be taken and I am cognisant that the proposals could deliver some benefits as below.

Harms	Benefits
Fails to conserve or enhance landscape character by virtue of amount, scale and design.	New educational and social space.
Would not preserve or enhance the character and appearance of the conservation area due to scale and design.	A new tourism offer in the National Park.
Would result in the loss of a community facility. Alternative community facilities would not be accessible, inclusive, available and be an equivalent or better quality.	Economic benefit during construction (albeit short term) and longer term operation of the proposed uses. Increased visitor spend.

Table 2: Summary of harm vs benefits.

8.3 Following my assessment, together with a review of the other proofs of evidence submitted on behalf of the SDNPA, I consider that the appeal proposals are contrary to development plan requirements, the NPPF and National Park Purposes.

8.4 I consider that:

- The proposals do not meet the fundamental purpose, or ‘golden thread,’ of the SDLP to conserve and enhance the natural beauty of the National Park. I consider the proposals are contrary to policy SD1 and the First Purpose of a National Park.
- The proposals do not adopt a landscape led approach in terms of scale and design, contrary to policies SD4 and SD5, resulting in landscape harm.
- The proposals would not preserve and enhance the character and appearance of the conservation area (SD12 and SD15).
- There is insufficient public interest to allow the proposals when balancing the impacts and interest of conserving and enhancing the National Park.

8.5 The cumulative effect of non-compliance with the development plan policies that I have identified means that the proposals fail to accord with the development plan as a whole. The ‘tilted balance’ in NPPF paragraph 11(d) is not engaged because the relevant SDLP policies are not out of date. Therefore, the application should be determined within the ordinary planning balance.

8.6 Furthermore, there are no material considerations of such weight or significance that would outweigh this conflict. Conversely, the NPPF, Circular, the Statutory Duty and supplementary planning documents (namely the Design Guide SPD) strengthen my views, particularly in light of the evidence presented by the SDNPA witnesses.

8.7 As the proposals fail to accord with the development plan when taken as a whole, the decision in accordance with the development plan would be to refuse permission.

8.8 Accordingly it is respectfully submitted that the Appeal be dismissed.

Appendices

I. Extract from 2019 pre-application submission at The Gilbert White Museum.

(See separate PDF)

2. Webpage extract of the Jubilee Tap (to confirm opening hours).

(See separate PDF)